Docket No.: 28079/41333

(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Barton et al.

Confirmation No.: 3375

Application No.: 07/827,906

Group Art Unit: 1638

Filed: January 30, 1992

Examiner: A. R. Kubelik

For: IMPROVED EXPRESSION OF GENES IN

**PLANTS** 

## PETITION TO EXPUNGE PAPERS FROM FILE PURSUANT TO 37 CFR 1.59 (MPEP 724.05)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Attn: TC1600

Dear Madam:

The applicants hereby identify the following Documents filed as part of the accompanying Information Disclosure Statement ("IDS", copy of transmittal letter and complete list of documents attached hereto) as the subject of this conditional petition to expunge pursuant to 37 C.F.R. §1.59.

Litigation	Documents Subject to Protective Order
(1) Mycogen Corp. v. Monsanto Co., 1:04-CV-	C4 - C13.
0573 DFH-WTL, U.S. District Court for the Southern	
District of Indiana, filed March 30, 2004.	
(2) Monsanto Co. v. Mycogen Plant Science, Inc.,	C18-C24; C32 -C33; C38-C40; C42-
96-133-RRM, U.S. District Court for the District of	C44; C51-C55; C156-C170.
Delaware, filed March 19, 1996.	5 · · · , co · · co s , c · · s · c · · · · · · · · · · · · · ·
(3) Mycogen Plant Science, Inc. v. Monsanto Co.,	C173; C191- C194.
950653J (LSP), U.S. District Court for the Southern	C173, C171- C134.
District of California, filed May 19, 1995.	
(4) Mycogen Plant Science, Inc. v. Monsanto Co.	C108 C202: C208 C211 C211 C2
et al., 96-505-RRM, U.S. District Court for the	C198-C202; C208-C211; C214-C225; C228-C232; C305.
District of Delaware, filed October 22, 1996.	C220-C232; C303.

The Documents to be expunged, listed in the table above, are subject to one or more protective orders, as explained in the IDS, and have not otherwise been made public. The documents have been packaged and labeled in accordance with MPEP 724.02.

The Applicants commit to retain the Documents for the period of any patent issued on the above-mentioned application with regard to which the Documents are presently submitted.

The petition to expunge is being submitted by (on behalf of) the party in interest, Monsanto Company, St. Louis, MO, who originally caused the Documents to be submitted.

The Commissioner is therefore petitioned under 37 C.F.R. 1.59 to expunge the Documents IF THE DOCUMENTS ARE FOUND NOT TO BE IMPORTANT TO A REASONABLE EXAMINER IN DECIDING WHETHER TO ALLOW THE APPLICATION TO ISSUE AS A PATENT. The Applicants request that the evaluation of the importance of each document (and whether it may properly be expunged) be made individually. Applicants understand that this petition will be held in abeyance until the close of prosecution on the merits (MPEP 724.05 (I) and 724.06).

The fee for this petition in the amount of \$200.00 according to 37 C.F.R. 1.17(g) may be charged to our Deposit Account No. 13-2855, under Order No. 28079/41333.

Dated: February 9, 2009

Respectfully submitted,

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Docket No.: 28079/41333

(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Kenneth A. Barton et al.

Application No.: 07/827,906

Confirmation No.: 3375

Filed: January 30, 1992

Art Unit: 1638

For: IMPR

IMPROVED EXPRESSION OF GENES IN

PLANTS

Examiner: A. R. Kubelik

## INFORMATION DISCLOSURE STATEMENT WITH DOCUMENTS UNDER SEAL

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants request that this Information Disclosure Statement be entered and considered by the examiner during the prosecution of this application and that the references be made of record therein (except as noted in the next paragraph).

A copy of each listed document is filed herewith, although many of the enclosed documents are being submitted under seal with the labels appended hereto. Some of the documents in this Information Disclosure Statement are subject to protective orders entered in prior litigations and are being submitted under seal for consideration by the Examiner under MPEP § 724, without scanning or publication by the USPTO. These documents are labeled in accordance with MPEP § 724.02 and are identified in the table below. Applicants also submit a petition and fee under 37 CFR § 1.59, requesting that these documents be expunged from the file.

Litigation	Documents Subject to D
(1) Mycogen Corp. v. Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana, filed March 30, 2004.	Documents Subject to Protective Order C4 - C13.
(2) Monsanto Co. v. Mycogen Plant Science, Inc., 96-133-RRM, U.S. District Court for the District of Delaware, filed March 19, 1996.	C18 - C24; C32 - C33; C38 - C40; C42 - C44; C51-C55; C156 - C170.
(3) Mycogen Plant Science, Inc. v. Monsanto Co., 950653J (LSP), U.S. District Court for the Southern District of California, filed May 19, 1995.	C173; C191- C194.
(4) Mycogen Plant Science, Inc. v. Monsanto Co. et al., 96-505-RRM, U.S. District Court for the District of Delaware, filed October 22, 1996.	C198-C202; C208-C211; C214-C225; C228-C232; C305

The documents in this Information Disclosure Statement originate from four separate litigations which may be viewed as related to the subject matter for which a patent is being sought on the above identified application. Such submission is made in accordance with MPEP §2001.06 (c) and 37 CFR §§1.56, 1.97, and 1.98, and should not be construed as a representation that a search has been made or as an admission that the information cited is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b). A general overview of these prior litigations is provided below for the Examiner's convenience. Should the Examiner have questions regarding these litigations, the undersigned attorney would be happy to attempt to provide answers.

(1) Mycogen Corp. v. Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana, filed March 30, 2004. Documents C1 to C14 are from this litigation. Mycogen filed suit against Monsanto pursuant to 35 U.S.C. § 146 for dissatisfaction with the Final Decision of the Board of Patent Appeals and Interferences for Patent Interference No. 103,781 ("the '781 Interference") (C1: Exhibit A). The patent and applications involved in the interference were (a) U.S.S.N. 08/434,105, filed May 3, 1995, a pending application of inventors David Fischhoff et al.; (b) U.S. Application No. 07/827,906 of inventors Barton et al., filed Jan. 30, 1992 (the present application); and (c) U.S. Patent No. 5,380,831 ("the '831 patent") of inventors Adang et al., filed May 3, 1993. The complaint is document C1, Monsanto's answer is C2, and Mycogen's reply is C3.

The interference was eventually defined by the following "Count 2": (a) any one of claims 3, 5, 39, and 40 of Fischhoff et al.'s application 08/434,105, filed May 3, 1995, (b) any one of claims 1-4, 7, and 15-22 of Barton et al.'s application 07/827,906, filed January 30, 1992, and (c) any one of claims 1-12 of Adang et al.'s '831 patent (C1: Exhibit A at 194). As common owner of the Fischhoff and Barton applications, Monsanto elected Fischhoff as the first to invent the subject matter of Count 2 (C1: Exhibit A at 54). Thereafter, the Board granted priority to Fischhoff over Adang based upon findings that Fischhoff had a prior conception and reduction to practice and that Adang was not diligent in their reduction to practice (C1: Exhibit A at 2). The Board also held that Barton et al. were not entitled to a patent containing claims 1-12 of the '831 patent.

During the § 146 action, Mycogen asserted various dates of conception and reduction to practice for Barton and Adang regarding the inventive subject matter of Count 2 and the invention of modifying the coding sequence of a Bt gene to reduce the number of polyadenylation signals and ATTTA nucleotide sequences in the coding sequence (C4 at 9-14). Monsanto also asserted various dates of conception and reduction to practice for Barton and Fischhoff regarding the subject matter of Count 2 and the invention of modifying the coding sequence of a Bt gene to reduce the number of polyadenylation signals and ATTTA nucleotide sequences in the coding sequence (C5 at 6-11).

Monsanto also responded that it was dissatisfied with certain findings of the Board, including the Board's finding that Fischhoff was not entitled to a conception date of October 30, 1986 (C5 at 3-6). Monsanto proffered expert reports by Mr. John Goolkasian and Dr. Joachim Messing to address these issues (C6, C7, C9). Mycogen proffered expert reports by Dr. Joseph Falkinham to address these issues (C8, C10). Monsanto also filed a motion for summary judgment that Fischhoff was the first to invent the subject matter of Count 2 (C11; Opposition at C12; Reply at C13). The Court also issued an opinion as to certain pending motions (C14). Monsanto and Mycogen discovery responses addressing these issues are provided as documents C4-C5.

Monsanto and Mycogen settled the § 146 action before final adjudication. This resulted in Mycogen withdrawing its allegations of prior invention by Barton and Adang, thus leaving intact the Board's grant of prior invention to Fischhoff over Adang regarding Count

Litigations (3) and (4), described below, also relate to Mycogen's U.S. Patent No. 5,380,831.

(2) Monsanto Co. v. Mycogen Plant Science, Inc., 96-133-RRM, U.S. District Court for the District of Delaware, filed March 19, 1996. Documents C15 to C170 are from this litigation. This litigation related to U.S. Patent No. 5,500,365 ("the '365 patent") which issued from a divisional application of Fishchhoff et al., U.S.S.N. 08/434,105. In this litigation, Monsanto asserted that Mycogen Plant Science, Agrigenetics, and Ciba-Geigy had infringed the '365 patent by making, using, and/or selling corn products containing Event 176, a trait directed to conferring resistance to insects.

Prior art asserted by Ciba and Mycogen is included in their notices under 35 U.S.C. § 282 (C15-17). Interrogatory responses related to the parties invalidity contentions are documents C18-C24.

Expert reports were also submitted by the parties on the litigated issues, including those found at C156-C170. Expert reports proffered by Monsanto included reports by Nam-Hai Chua (C169-C170) and John Goolkasian (C166-C167). Expert reports by Mycogen included reports by Lawrence Bogorad (C161), Michael Adang (C156), and Joseph Falkinham (C163-C165). Expert reports by Novartis included reports Arthur Aronson (C157), Julia Bailey-Serres (C158, C168), and John Dewhirst (C162).

The defendants filed various summary judgment motions. Ciba-Geigy moved for summary judgment of invalidity based on prior inventorship under 35 U.S.C. § 102(g) ((C38); Monsanto Opposition (C39); Ciba Reply (C40)). Mycogen moved for summary judgment of invalidity based on obviousness under 35 U.S.C. § 103 ((C41-C42); Monsanto Opposition (C43); Mycogen Reply (C44)). Mycogen and Ciba-Geigy filed a motion to dismiss under Rule 12(b)(6) for failure to comply with the written description requirement of 35 U.S.C. § 112 ¶ 1 ((C45-47); Monsanto Opposition (C48); Reply (C49)). A court hearing was held, in part, on this motion (C37). The motion was denied (C50). Ciba-Geigy and Mycogen filed summary judgment motions asserting that the '365 patent was invalid for lack of written description under 35 U.S.C. § 112 ((C51, C52); Monsanto Opposition (C53); Ciba-Geigy and Mycogen Replies (C54 and C55)).

A jury trial was held on issues of infringement and invalidity. Trial transcripts that may be viewed as relevant to the subject matter for which a patent is sought on the above application may be found as documents C61-C155. Included in the transcripts are testimony

by inventors Fischhoff (C91, C129-132) and Perlak (C89, C95, C110-113). Testimony by alleged prior inventors Barton and Miller may be found as documents C82, C86, and C88. Expert testimony introduced by Monsanto included Nam-Hai Chua (C76-C81, C109, C135-6) and John Goolkasian (C71-75, C166-7). Expert testimony introduced by Mycogen included Lawrence Bogorad (C146-8); Michael Adang (C99-101); and Joseph Falkinham (C106-8). Expert testimony introduced by Novartis included Julia Bailey-Serres (C92-4) and John Dewhirst (C83-5).

The jury found that the asserted claims (claims 7, 8, 9, and 12) were literally infringed, but that the accused products were so far changed from the principle of the claimed invention that they did not infringe under the reverse doctrine of equivalents (C59 at 5). The jury also found that the asserted claims were invalid because of prior invention by scientists at Agracetus, Barton and Miller (C59 at 5). The Court later held a bench trial regarding whether the '365 patent was unenforceable due to alleged inequitable conduct by Monsanto (C59 at 5). Fischhoff also testified during the bench trial (C149-152).

All of the parties requested judgment as a matter of law (JMOL) after trial on various issues. Monsanto's JMOL briefing on non-infringement under the reverse doctrine of equivalents and invalidity by prior invention may be found as documents C25, C29, and C36, with opposition briefing as documents C32 and C33. Mycogen's and Novartis' JMOL briefing on invalidity due to lack of written description, indefiniteness, and obviousness may be found as documents C26-28, C30, and C34-35, with opposition briefing as document C31.

The Court issued an opinion on the JMOL's and inequitable conduct (C58, C59). The Court denied Monsanto's JMOL on invalidity for prior invention (C59 at 101-115). Specifically, the Court found that while Fischhoff reduced the asserted claims to practice before Barton and Miller (C59 at 106-111), the jury could have found that Barton and Miller conceived first and were diligent in reducing to practice (C59 at 111-115). The Court found in favor of Monsanto on the issue of infringement under the reverse doctrine of equivalents and entered judgment as a matter of law for Monsanto on the issue (C59 at 115-121). The Court denied Mycogen's and Novartis' JMOL's on invalidity due to lack of written description (C59 at 121-127), indefiniteness (C59 at 128-130), and obviousness (C59 at 130-132). The Court also found that Monsanto had not committed inequitable conduct during prosecution of the '365 patent (C59 at 136-148). The result of the Court's opinion was that

the defendants were found to have infringed the asserted claims of the '365 patent, but these claims were invalid based on prior invention by Barton and Miller.

Monsanto appealed to the Federal Circuit regarding prior invention by Barton and Miller (C60). The Federal Circuit upheld the district court's decision and affirmed in favor of the defendants on the issue (C60 at 12).

(3) Mycogen Plant Spinner V.

(3) Mycogen Plant Science, Inc. v. Monsanto Co., 950653J (LSP), U.S. District Court for the Southern District of California, filed May 19, 1995. Documents C171 to C194 are from this litigation. In this litigation, Mycogen asserted that Monsanto had willfully infringed Adang's '831 patent by making, using, and/or selling products containing Monsanto's BollGard® cotton gene, Monsanto's YieldGard® corn gene, Monsanto's NewLeaf® potato gene, Northrup King Bt 11 event gene, or the Stoneville cotton gene. In response, Monsanto asserted, inter alia, that Monsanto scientists Fred Perlak and David Fischhoff invented the claimed invention of the '831 patent prior to Mycogen. (The '831 patent was also the subject of the '781 Interference described above.)

Monsanto proffered expert reports by Mr. John Goolkasian, Mr. Dallas Johnson, and Dr. Joachim Messing (C191, C192, C193). Mycogen proffered an expert report by Dr. Joseph Falkinham (C194). Interrogatory responses are provided as documents C171-173.

On December 28, 1995, Mycogen moved for summary judgment of validity of the '831 patent claims ((C174-175); Monsanto's Opposition (C176), Mycogen's Reply (C177)). In denying Mycogen's motion, the Court declined to "make a ruling that Monsanto has failed to establish the invalidity of Mycogen's patent" (C178 at 3).

Sometime later, on March 30, 1998, Monsanto moved for summary judgment of invalidity under 35 U.S.C. §§ 102(g) and 103 ((C179); Mycogen's Opposition (C180); Monsanto's Reply (C181)). Monsanto further moved for summary judgment that the '831 patent claims were invalid under 35 U.S.C. § 112 ((C182); Mycogen's Opposition (C183); Monsanto's Reply (C184)). Following oral arguments on the summary judgment motions, the Court stayed the proceedings until the post-trial motions in the related case in Delaware were complete (see section (4) below). On September 8, 1999, following rulings on these motions in Delaware, the Court lifted the stay and granted Monsanto's motion for summary judgment pursuant to 35 U.S.C. §§ 102(g) and 103 (C185). The Court denied Monsanto's motion for summary judgment under 35 U.S.C. § 112 as moot. See C185.

These decisions were appealed to the Federal Circuit. Upon reviewing the district court's prior invention determination, the Federal Circuit concluded that summary judgment was improper because fact issues remained to be resolved on the issue of prior inventorship. C186 (Mycogen Plant Science, Inc. v. Monsanto Co., 252 F.3d 1306, 1314 (Fed. Cir. 2001). The Federal Circuit declined to rule on Monsanto's motion for summary judgment of invalidity under 35 U.S.C. § 112, leaving it to the district court to resolve in the first instance. Mycogen Plant Science, 252 F.3d at 1317.

Following the Federal Circuit decision, Monsanto renewed its motion for summary judgment of invalidity under 35 U.S.C. § 112 (C187, Mycogen's Opposition at C188, Monsanto's Reply at C189). The Court denied Monsanto's motion on June 4, 2002 (C190). Subsequently, Mycogen dismissed all pending claims with prejudice.

(4) Mycogen Plant Science, Inc. v. Monsanto Co. et al., 96-505-RRM, U.S. District Court for the District of Delaware, filed October 22, 1996. Documents C195 to C305 are from this litigation. This litigation related to patents issuing from continuing applications of Adang's '831 patent—specifically, U.S. Patent Nos. 5,567,600 ("the '600 patent") and 5,567,862 ("the '862 patent). In this litigation, Mycogen asserted that Monsanto had willfully infringed the '600 and '862 patents by making, using, and/or selling products containing Monsanto's BollGard® cotton gene, Monsanto's YieldGard® corn gene, Monsanto's NewLeaf® potato gene, Northrup King Bt 11 event gene, or the Stoneville cotton gene. Monsanto asserted, inter alia, that Monsanto scientists Fred Perlak and David Fischhoff invented the claimed invention of the '600 and '862 patents prior to the Mycogen inventors. In response to that allegation, Mycogen further asserted that Monsanto had derived the subject matter claimed in the '600 and '862 patents from Mycogen.

Prior art asserted by Monsanto and Delta and Pine Land Company and by DeKalb Genetics are included in their notices under 35 U.S.C. § 282 (C195-196). Interrogatory responses are at C197-202. Monsanto also proffered expert reports on the litigated issues by Mr. Donald Banner, Mr. Dallas Johnson, and Dr. Joachim Messing (C228, C229, C230 respectively). Mycogen proffered expert reports by Mr. Lawrence Bogorad and Dr. Joseph Falkinham (C231, C232).

Prior to trial, Monsanto filed a summary judgment motion of invalidity under 35 U.S.C. § 102(g) asserting that Mycogen was not the first to invent the subject matter of the '862 and '600 patents ((C214, C216 (amended)); Mycogen's Opposition (C215); Monsanto's

Reply (C217)). Monsanto also filed a summary judgment motion of invalidity under 35 U.S.C. § 112 asserting that the '862 and '600 patents failed to satisfy the enablement requirement and would require undue experimentation in order to practice the claimed invention ((C218), Mycogen's Opposition (C219-220); Monsanto's Reply (C221)). Codefendant DeKalb Genetics Corp. filed its summary judgment motion of invalidity under 35 U.S.C. § 112, asserting that the '862 and '600 patents failed to satisfy the enablement requirement ((C222); Mycogen's Opposition (C223-224); DeKalb's Reply (C225)). Letters addressed to the Court regarding the above summary judgment motions are included as documents C212-213. The district court judge did not grant any of these motions.

A jury trial was held on issues of infringement and invalidity. Trial transcripts that may be viewed as relevant to the subject matter for which a patent is sought on the above application may be found as documents C234 to C304. Included within the trial transcripts are testimony by both Elizabeth Murray (C237 to C241) and Michael Adang (C277 to C280) and Mycogen experts Mr. Lawrence Bogorad and Dr. Joseph Falkinham (C273 to C276). Also included within the trial transcripts are testimony by Monsanto scientists Fred Perlak (C242 to C244) and David Fischhoff (C256 to C258) as well as testimony by Monsanto expert Dr. Joachim Messing (C259, C260).

The jury found that the claimed invention of the '600 and '862 patents were invalid due to prior invention by Monsanto and entered a "N/A" as to the remaining invalidity issues (C226 at 10-12). The Delaware court entered a judgment declaring that the '600 and '862 patents were invalid based upon the jury's determination that Monsanto was the first to invent the technology underlying those patents. See C226. All parties moved for judgment as a matter of law (JMOL) on various issues following entry of the judgment. Mycogen moved for JMOL on the issues of prior inventorship and obviousness and moved for a new trial ((C203, C204); Monsanto's Opposition (C205); DeKalb's Opposition (C206); Mycogen's Reply (C207)). Monsanto moved for JMOL on invalidity based on prior invention and invalidity due to lack of enablement as well as indefiniteness ((C208, C209, C210); Mycogen's Opposition (C305); Monsanto's Reply (C211)).

The Court issued an opinion on the JMOL motions (C227) which denied Mycogen's motion for JMOL and granted Monsanto's motion for JMOL holding that the claims of the '600 and '862 patents were invalid for lack of enablement.

On appeal, the Federal Circuit affirmed the jury's verdict of invalidity based upon prior invention pursuant to 35 U.S.C. § 102(g). See C233. It found that this rendered a ruling on the district court's grant of Monsanto's JMOL of lack of enablement pursuant to 35 U.S.C. § 112, unnecessary (C233).

This Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)). Accordingly, our check in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p) is enclosed. Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from our Deposit Account No. 13-2855, under Order No. 28079/41333.

Dated: February 9, 2009

Respectfully submitted,

By

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PTO/SB/08b (10-08)

Approved for use through 11/30/2008 OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

	Complete if Known
Application Number	07/827,906-Conf. #3375
Filing Date	January 30, 1992
First Named Inventor	Kenneth A. Barton
Art Unit	1638
Examiner Name	A. R. Kubelik
Attorney Docket Number	
	Filing Date First Named Inventor Art Unit Examiner Name

		-	U.S. PAT	TENT DOCUMENTS	
Examiner Initials*	Cite No.¹		Publication Date		Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

	FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.1	Foreign Patent Document  Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (# known)	Publication	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear				

Examiner	Cite	NON PATENT LITERATURE DOCUMENTS  Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.)	
nitials	No.1	number(s) publisher site and (see ), date, page(s), volume-issue	T
	C1	1:04-CV-0573 DFH-WTI LLS District Court for the Court for	+
	C2	Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana	ŀ
	С3	Mycogen's Reply to Monsanto's Counterclaims, as filed in Mycogen Corp. v. Monsanto Co.,	L
	C4	Corp. v. Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District	
	C5	Monsanto's Response to Mycogen's First Set of Interrogatories (Nos. 1-14), as filed in Mycogen Corp. v. Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the	
	C6	Monsanto's Expert Report of John T. Goolkasian, as filed in Mycogen Corp. v. Monsanto Co.,	*****
	C7	Monsanto's Expert Report of Joachim Messing, as filed in Mycogen Corp. v. Monsanto Co.,	
		1:04-CV-0573 DFH-WTL U.S. District Court for the Street Mycogen Corp. v. Monsanto Co.	
	C9	Monsanto's Rebuttal Expert Report of Dr. Joachim Messing, as filed in <i>Mycogen Corp. v.</i> (Indianapolis).	
		Mycogen's Rebuttal Expert Report of Dr. Joseph Falkinham, as filed in <i>Mycogen Corp. v.</i> Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana  (Indianapolis).	-
		Monsanto's Motion for Summary Judgment Regarding Fischhoff's Priority of Invention, as filed Nycogen Corp. v. Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis).	******
	C12   N	Mycogen's Opposition to Monsanto's Motion for Summary Judgment Regarding Fischhoff's Priority of Invention, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, J.S. District Court for the Southern District of Indiana (Indianapolis).	

Examiner		
Signature	Date	
	Considered	

PTO/SB/08b (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substit	ute for form 1449/I	РТО		Complete if Known		
				Application Number	07/827,906-Conf. #3375	
			CLOSURE	Filing Date	January 30, 1992	
ST	ATEMEN	T BY AP	PLICANT	First Named Inventor	Kenneth A. Barton	
	/lise as man	IV sheets as no		Art Unit	1638	
<del></del>	(Use as many sheets as necessary)  2 Of 23			Examiner Name	A. R. Kubelik	
				Attorney Docket Number	28079/41333	

C1	Fischhoff's Priority of Invention, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573  DFH-WTL, U.S. District Court for the Southern District of Indiana (Indiana III)	T
C14	of invention and as to Fischhoff; Monsanto's Motions for Summary Judgment as to priority denied; Mycogen's Motion to Exclude Goolkasian testimony is granted, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis).	
C15	Ciba's Notice Pursuant to 35 U.S.C. §282, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.	
C16	v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.	
C17	Ciba's Supplement to the Notice Pursuant to 35 U.S.C. §282, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.	
C18	Monsanto Company's Responses to Ciba-Geigy Corporation's First Set of Interrogatories (Nos. 1-6), as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware.	
C19	filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware	
C20	Monsanto Company's Responses to Ciba-Geigy Corporation's Set of Extra Interrogatories to Monsanto Company, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Data	$\exists$
C21	Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.	$\dashv$
	Monsanto Company's Answers to Mycogen Plant Science, Inc. and Agrigenetics, Inc.'s Interrogatories 31-40, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Dales.	1
023	(Nos. 1-14), as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware	1
C24	First Set of Interrogatories (1-9) to MPS and Agrigenetics, as filed in Monsanto Company's Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.	1
C25	Monsanto's Motion For Judgment As A Matter of Law Or, In the Alternative, A New Trial, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware	1
C26	Novartis' Motion For Judgment As A Matter of Law, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court	1

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- 1	Substitu	ite for	form 1449/PTO	,				Complete if Known
- 1	INF	OF	MATIO	N D	1001.00	Application	n Number	07/827,906-Conf. #3375
	ST	ON TE	MENT	N U	ISCLOSURE	Filing Date		January 30, 1992
	317	11 E	:IAI E IA I	BY	APPLICANT	First Name	d Inventor	Kenneth A. Barton
		(U:	se as many sh	eets a	S Necessary)	Art Unit		1638
	T			Т	T	Examiner Name A. R. Kubelik		
<u> </u>			3	of	23	Attorney Do	cket Number	28079/41333
		C27	Delaware. Novartis' Opas filed in M	oening	Brief in Support of Its F	96-133-R	RRM, United  Motion for Ju	Of Law, Or Alternatively, For A Mycogen Plant Science, Inc., States Court District of Law, and Ciba-Geigy
	C	30	Monsanto's Alternative, Agrigenetics Delaware. Mycogen and Properties Agrigenetics Delaware.	Brief i A New i, Inc.,	in Support of its Motion of Trial, as filed in Monsal and Ciba-Geigy Corp., support of the Support of Posterior Support of Sup	District of for Judgmento Co. v. 96-133-RF	Delaware. ent As a Mat Mycogen Pl RM, United S Motion for Ju	ter of Law or In The
	C3	31 M 1. 2 N	Monsanto's Co Monsanto Co 33-RRM, Un Ovartis' Ansi	or De Opposi v. M ited S wering	ition to Defendant's Moti ycogen Plant Science, Ir tates Court District of De Brief in Opposition to M	ons for Junc., Agrige elaware. fonsanto's	dgment As Anetics, Inc.,	Matter of Law, as filed in and Ciba-Geigy Corp., 96-
	C33	3 My Th Ag De My Alte	cogen's Bride Alternative Prigenetics, Including Alexandria Repartive Price Pr	ef In (e), A Nonc., an	Opposition To Monsanto' ew Trial, as filed in Mons and Ciba-Geigy Corp., 96- ef in Support of Its Motio	s Motion f santo Co. -133-RRM	or Judgment v. Mycogen , United State	As A Matter Of Law Or, In Plant Science, Inc., les Court District of
	C35	Dis Nov	ence, Inc., A trict of Delav vartis's Reply t in Monsant	griger vare. / Brief	in Support of Its Renew	eigy Corp.,	96-133-RRI	anto Co. v. Mycogen Plant M, United States Court
	C36	Alte Agri Dela	isanto's Rep mative, A Ne genetics, Inc lware.	ly Brie w Tri :., and	ef in Support of It's Motio al, as filed in <i>Monsanto (</i> I <i>Ciba-Geigy Corp.</i> , 96-1	on for Judg Co. v. Myc 33-RRM, I	ment as a M ogen Plant S United State	latter of Law or, In The Science, Inc.,
	C37	Hea Mon 133-	ring Transcri santo Co. v. RRM. United	pt of 7 <i>Myco</i> I State	7/17/96 Hearing on Pend gen Plant Science, Inc.,	5 5-1-01	os, mo., amu	UDA-GRIOV Corp. oc. 1
	C37	Mea Mon 133- Ciba as file Corp	ring Transcri santo Co. v. RRM, United -Geigy's Mot ed in Monsal ., 96-133-RR	pt of 7 Myco. I State ion ar nto Co	7/17/96 Hearing on Pend gen Plant Science, Inc., es Court District of Delaw nd Notice for Summary J D. v. Mycogen Plant Scie	vare. udgment once, Inc.,	of Invalidity L Agrigenetics	Under 35 U.S.C. §102(g), Inc., and Ciba-Goigu
	C38 C39	Mean 133- Ciba as file Corp Mons	ring Transcri santo Co. v. RRM, United Geigy's Mot ed in Monsai ., 96-133-RR ianto's Oppo torshin Llade	pt of 7 Myco I State ion ar nto Co IM, Ur sition	7/17/96 Hearing on Pend gen Plant Science, Inc.,	vare. udgment of nce, Inc., In	of Invalidity L Agrigenetics vare. gment of Inv	Under 35 U.S.C. §102(g), Inc., and Ciba-Geigy
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- 1	INE	OPMATION	LDIO	<b>0.</b> • • •	Application Number	07/827,906-Conf. #3375			
- 1	STA	TEMENT !	V DIS	CLOSURE	Filing Date	January 30, 1992			
- 1	312	MENIE	SY AI	PPLICANT	First Named Inventor	Kenneth A. Barton			
		(Use as many she	ets as ne	Messand	Art Unit 1638				
				cussary)	Examiner Name	A. R. Kubelik			
L		4	Of	23	Attorney Docket Number				
F		240 Ciba's Renh	, Print :-			28079/41333			
_	C	Delaware.	Show to	id Ciba-Geigy Corp.,	96-133-RRM, United	nent of Invalidity of the '365 Mycogen Plant Science, Inc., States Court District of	1		
	C	Com 96-13	R.DDM	V. MyCogen Plant S	cience, Inc., Agrigene	Brief in Support of its Motion S.C. § 103 (Obviousness), as tics, Inc., and Ciba-Geigy	s		
	C4	U.S.C. §103 ( Agrigenetics, Delaware.	OBVIOL	d Brief for Summary JSNESS) , as filed in d Ciba-Geigy Corp., 9	Judgment That the '36 Monsanto Co. v. Myc 96-133-RRM, United S	65 Patent is Invalid Under 35 cogen Plant Science, Inc., States Court District of	- 1		
		District of Dela	wara	encs, inc., and Ciba-	Geigy Corp., 96-133-F	Judgment That the '365 Paten anto Co. v. Mycogen Plant RRM, United States Court	ıŧ		
	C44	Invalid, as filed	in Mons	in Support of Its Mot santo Co. v. Mycoger	ion for Summary Judg on Plant Science, Inc.	ment that the '365 Patent is	H		
	C45	Support Pursua with the Written Mycogen Plant States Court Did	int to Ru Descrip Science	lant Science and Agile 12(b)(6) for Dismisorion Requirement of Julia Agrigenetics, Inc., Agrigenetics, Inc.,	rigenetics, Inc. Motion ssal on the Basis of Mo 35 USC § 112 ¶ 1, as nc., and Ciba-Geigy C	and Memorandum in onsanto's Failure to Comply filed in Monsanto Co. v.			
	C46	Dismissal on the Requirement of Science, Inc., Ag District of Delaw	Basis of 35 USC <i>Trigeneti</i>	Agrigenetics Brief in of Monsanto's Failure § 112, ¶ 1 (Corrected cs, Inc., and Ciba-Ge	Support of its Motion I to Comply with the W d), as filed in Monsant eigy Corp., 96-133-RR	Pursuant to rule 12(b)(6) for ritten Description o Co. v. Mycogen Plant	$\dashv$		
		Motion Pursuant with the Written E Mycogen Plant S States Court Dist	to Rule Sescripti Cience, I	Ints' Mycogen Plant 5 12(b)(6) for Dismissa on Requirement of 35 Inc., Agrigenetics, Ind	Science and Agrigenet I on the Basis of Mons 5 USC § 112, ¶ 1, as fi 5., and Ciba-Geigy Con	ics Brief in Support of its santo's Failure to Comply illed in Monsanto Co. v.	$\exists$		
		Agrigenetics, Inc. Compliance with Compliance with States Court District.	s Motion 35 U.S.C Science	In Opposition to Defe Pursuant to Rule 12 C. § 112 (Written Des , Inc., Agrigenetics, II	ndants Mycogen Plan (b)(6) Fed. R. Civ. P. ( cription Requirement) nc., and Ciba-Geigy C.	t Science, Inc. and for Dismissal Based on , as filed in Monsanto Co.	1		
		Civ. P., for Dismiss	sal on th	e Basis of Monsanto'	Its Motion Pursuant to	Rule 12(b)(6), Fed. R.			

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INFORMAT	ION DISC	21 00112-	Application Number	07/827,906-Conf. #3375
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use as many sheets as necessary)			Filing Date	January 30, 1992
			First Named Inventor	Kenneth A. Barton
			Art Unit	1638
T			Examiner Name	A. R. Kubelik
3	Of	<b>23</b>	Attorney Docket Number	

 L		1 31	23	Attorney Docket Number	28079/41333
С	Comply W	enying /ith the \	Defendants' Motion Written Description I	for Dismissal on the Bas	is of Monsanto's Eailers
 C	Comply With the Written Description Requirement of 35 U.S.C. § 112, as filed in <i>Monsanto C States Court District of Delaware.</i> Ciba-Geigy's Motion and Notice for Summary Judgment of Invalidity for Lack of Written Description under 35 U.S.C. § 112, as filed in <i>Monsanto C States Court District of Delaware.</i>				
	Delaware.	cs, Inc.,	and Ciba-Geigy Col	p., 96-133-RRM, United	Nycogen Plant Science, Inc., States Court District of
C5	Mycogen's 112 (Inaded Inc., Agrige Delaware.	Motion quate W enetics, I	for Summary Judgm /ritten Description) , /nc., and Ciba-Geigy	nent of Invalidity of the '36 as filed in <i>Monsanto Co.</i> Corp., 96-133-RRM, Un	65 Patent Under 35 U.S.C. § v. Mycogen Plant Science, ited States Court District of
C5	for Summar § 112, as file Geigy Corp.	nsanto's ry Judgn ed in <i>Mc</i> 96-133	Combined Brief in onent of Invalidity for onsanto Co. v. Myco	Opposition to Defendants Lack of Adequate Writter gen Plant Science, Inc.,	Mycogen and Ciba's Motions Description Under 35 U.S.C.
C54	Patent for La Mycogen Pla States Court	Reply Br ack of W ant Scier District	rief in Support of Its ritten Description Unice, Inc., Agrigeneti	Motion for Summary Judender 35 U.S.C § 112, as ics, Inc., and Ciba-Geigy	gment of Invalidity of the '365 filed in <i>Monsanto Co. v.</i> Corp., 96-133-RPM United
C55 C56	Motions for S 112, as filed i Geigy Corp.,	Brief to Summan in Monsi 96-133-	Monsanto's Combin y Judgment of Invaling anto Co. v. Mycoger RRM, United States	ned Brief in Opposition to dity for Lack of Written Do In Plant Science, Inc., Agr Court District of Delawa	Mycogen's and Ciba's escription Under 35 U.S.C. § igenetics, Inc., and Ciba-re.
	Part, Denying Pending Motio AGRIGENETI DISTRICT OF	Plaintiff ons, AS ICS, INC	P's Motion For Judgn FILED IN MONSAN C., AND CIBA-GEIG	'laintiff's Motion For Judg nent as a Matter of Law i ITO CO. V. MYCOGEN F Y CORP., 96-133-RRM, I	ment as a Matter of Law in Part, and Denying Other PLANT SCIENCE, INC.,
	SCIENCE, INC STATES COU	avor Of C., AGR RT DIS	Defendants, AS FILIGENETICS, INC., A	.ED IN MONSANTO CO. AND CIBA-GEIGY CORP	V. MYCOGEN PLANT
C3 <b>6</b>	Opinion of Jud conduct, 61 F. A <i>grigenetics, Ir</i> Delaware.	lge McKi Supp. 2 nc., and	elvie on pending tria d 133 (D.Del. 1999) <i>Ciba-Geigy Corp</i> ., 9	l issues and post trial mo in <i>Monsanto Co. v. Myco</i> 6-133-RRM, United State	tions, including inequitable ogen Plant Science, Inc.,
.59   F   /   1	Revised Opinio <i>Monsanto Co. v</i> I33-RRM, Unite	on On Po v. <i>Mycog</i> ed State	ost Trial Motions And gen Plant Science, II	d Motion On Inequitable ( nc., Agrigenetics, Inc., an	Conduct, as filed in
A	ederal Circuit ( <i>grigenetics, Ind</i> Jelaware, 261 F	decision C., and ( F 3d 135	on appeal from Moi Ciba-Geigy Corp., 96	nsanto Co. v. Mycogen P 3-133-RRM, United State	Plant Science, Inc.,
61   1	rial Transcript, 998. as filed in	Opening	g Statement by Mr. I	Lynch (Monsanto), pages Plant Science, Inc., Agrigo ourt District of Delaware.	

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	10 10 10 10 10 10 10 10 10 10 10 10 10 1		Complete if Known
INF	ORMATION DISCLOSUR	Application Number	07/827,906-Conf. #3375
STA	TEMENT BY ARRIVE	RE Filing Date	January 30, 1992
017	TEMENT BY APPLICAN	First Named Inventor	Kenneth A. Barton
	(Use as many sheets as necessary)	Art Unit	1638
	6   01	Examiner Name	A. R. Kubelik
	3. 23	Attorney Docket Number	28079/41333
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C69	Trial Transcript, Stephen Rogers, Cropages 244-253, dated June 16, 1998, Agrigenetics, Inc., and Ciba-Geigy Cobelaware.  Trial Transcript, Stephen Rogers, Red 255, dated June 16, 1998	RM, United States Court Dissess examination by Mr. Olson as filed in Monsanto Co. v. prp., 96-133-RRM, United States examination by Mr. Lyricct examination by Mr. Lyricch examination exa	strict of Delaware.  n (Mycogen/Agrigenetics), Mycogen Plant Science, Inc., ates Court District of
C70	Trial Transcript, Stephen Rogers, Transcript, Stephen Rogers, Transcript, 96-133-RRM, United States Courtinal Transcript, John Goolkasian, Direct 372, 375-399, details in the Court Inc.	sition statements, pages 25: lant Science, Inc., Agrigenet int District of Delaware.	5-257, dated June 16, 1998, ics, Inc., and Ciba-Geigy
C72	Delaware.  Trial Transcript, John Goolkasian, Cross dated June 16, 1998, as filed in Monsan Inc., and Ciba-Geigy Com. 26, 133, 220	examination by Mr. Drivas to Co. v. Mycogen Plant Sci	es Court District of  (Novartis), pages 399-400,
()	Mycogen/Agrigenetics), pages 401-422 Mycogen Plant Science, Inc., Agrigenetic States Court District of Delawage	examination by Mr. Dickers dated June 16, 1998, as file s, Inc., and Ciba-Geigy Con	on ed in Monsanto Co. v.
4	rial Transcript, John Goolkasian, Redire 23, dated June 16, 1998, as filed in Mon grigenetics, Inc., and Ciba-Geigy Corp., elaware.	ct examination by Ms. Knott	(Monos-t-)

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Substitute for form 1449/PTO				Complete if Known
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use as many sheets as necessary)			Application Number	07/827,906-Conf. #3375
			Filing Date	January 30, 1992
			First Named Inventor	Kenneth A. Barton
			Art Unit	1638
7	<del></del>		Examiner Name	A. R. Kubelik
	Of	23	1	28079/41333

				23	Attorney Docket Number	28079/41333	
	C7	5 Trial Trans	cript, John	Goolkasian T			
		as filed in I	Monsanto C	O v Muse	nsition statements, pages	s 423-425, dated June 16, 100	
	C75 Trial Transcript, John Goolkasian Transition statements, pages 423-425, dated June 16, 199 as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy</i>						
	Corp., 96-133-RRM, United States Court District of Delaware.  C76 Trial Transcript, Dr. Nam-Hai Chua, Direct examination by Mr. Lynch (Monsanto), pages 427-436, 440-472, dated June 16, 1998, as filed in Monsanto Co. M. Miccogan District Open Agriculture (Monsanto).						
		436 440-4	72 doted i	m-Hai Chua, D	irect examination by Mr. I	Vnch (Mongonto)	
	1	Agrigenetic	e /no and	ine 16, 1998, as	s filed in Monsanto Co. v.	Lynch (Monsanto), pages 427- Mycogen Plant Science, Inc.,	
ļ	1	Delaware.	s, iric., and	Ciba-Geigy Col	s filed in <i>Monsanto Co. v.</i> rp., 96-133-RRM, United	States Court District	
	C77	Trial T				Clates Court District of	
- 1	Cii	1 nai Transc	npt, Dr. Nai	n-Hai Chua, Cr	OSS examination by Mr. C	Drivas (Novartis), pages 472-	
1		400, dated	June 16, 199	98, as filed in M	oss examination by Mr. Efonsanto Co. v. Mycogen	Orivas (Novartis), pages 472-	
		Agrigenetics	s, Inc., and (	Ciba-Geigy Con	D., 96-133-RRM Ligited	Plant Science, Inc.,	
	070	Delaware.			fonsanto Co. v. Mycogen p., 96-133-RRM, United S	States Court District of	
- 1	C78	I nai Transci	int Dr Na-	- 11-101			
- 1		pages 503-5	38, dated Ji	une 17, 1998 a	is filed in Manager a	on by Mr. Drivas (Novartis), Mycogen Plant Science, Inc.,	
-		Agrigenetics	, Inc., and C	iba-Geigy Com	is filed in <i>Monsanto Co. v</i> D., 96-133-RRM, United S	Mycogen Plant Science, Inc.	
		Delawale.			on the contract of the contrac	rates Court District of	
	C79	I rial Transcri	int Dr Nom	11-: 01			
		pages 538-57	70. dated .li	ine 17 1000 s	ss examination by Mr. Ol	son (Mycogen/Agrigenetics), Mycogen Plant Science, Inc.,	
- 1		Agrigenetics.	Inc., and C.	iha-Geigy Com	s filed in <i>Monsanto Co. v.</i> ., 96-133-RRM, United St	Mycogen Plant Science Inc.	
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	l	570-581, 594	-605 dated	rnai Chua, Redi	irect examination by Mr. I	Lynch (Monsanto), pages v. Mycogen Plant Science,	
	- 1	Inc., Agrigene	tics Inc. or	June 17, 1998,	as filed in Monsanto Co.	v. Mycogen Plant Science, ed States Court District of	
	- 1	Delaware.	uos, me., ar	iu Ciba-Geigy (	Corp., 96-133-RRM, Unite	ed States Court District	
	C81	Trial Transcrin	4 D- M			- Section Source of	
1		1998 as filed	in Man-	Hai Chua Trans	sition Statements, pages (	605 606 dated 1	
- 1	10	Seigy Com.	e 122 DDA	Co. v. Mycoge	n Plant Science, Inc. Ac	605-606, dated June 17, ingenetics, Inc., and Ciba-	
(	C82	rial Transact	0-133-KKM	, United States	en Plant Science, Inc., Ag Court District of Delawar	ragenetics, Inc., and Ciba-	
1	1	1009 so float	t, Deposition	n Testimony of	Kenneth Barton, pages 1	e. 047-1064, dated June 18,	
İ		Seign Com	n Monsanto	Co. v. Mycogei	n Plant Science Inc. Ag	047-1064, dated June 18, ingenetics, Inc., and Ciba-	
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	C83   T	nal I ranscript	, John Dewl	hirst, Direct exa	mination by Mr. Delaware	Novartis), pages 1066-1080,	
	la la	ated June 18,	1998, as file	ed in Monsanto	CO V Mycogon Blood C	Novartis), pages 1066-1080, cience, Inc., Agrigenetics,	
-		v., ario cipa-c	JHIOV LAIN	OE 122 DOM:	3	verice inc Annaenation	
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	da	ated June 18,	1998, as file	d in Monsanto	Could the Ms. Knoll (Mc	onsanto), pages 1080-1088	
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C	00   11	al transcript	John Down	irot O . II	Tidios Court Distri	Ct of Delaware	
- 1	110	91 dated lun	a 19 1000	out tour ect ex	carrination by Mr. Drivas	(Novartie) pages 4000	
	Ag	rigenetics, Inc	and Ciha	Goiau Cama	santo Co. v. Mycogen Pla	ant Science Inc	
	De	laware.	., and Olda	-Geigy Corp., 9	santo Co. v. Mycogen Pla 6-133-RRM, United State	es Court District of	
C8	36 Tri	al Transcript	Donnoitie :	*			
	19	98 as filed in	Monacete C	estimony of Mi	ichael Miller, pages 1102 Plant Science, Inc., April	-1110 dated by= 40	
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	198	o, as filed in /	Monsanto C	o. v. Mycogen I	Plant Science (== 1	0-1123, dated June 19,	
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	Ge	igy Corp., 96-	133-RRM, U	nited States Co	Indra Cannon, pages 111 Plant Science, Inc., Agrige ourt District of Delaware.	enetics, Inc., and Ciba-	

Examiner		
Signature	Date	
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INFORMATION DIGGL COLLEGE			Application Number	07/827,906-Conf. #3375
INFORMATION DISCLOSURE		Filing Date	January 30, 1992	
STATEMENT BY APPLICANT			First Named Inventor	Kenneth A. Barton
(Use as many sheets as necessary)		Art Unit	1638	
			Examiner Name	A. R. Kubelik
8	Of	23	Attorney Docket Number	28079/41333

	C8	B Trial Transcript, Transition Statements regarding Michael Miller and Sandra Cannon, pages 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Co. K. Africanto Physics 1125, dated June 19, 1998, as filed in Monsanto Physics 1125, dated June 19, 1998, as filed in Monsanto Physics 1125, dated June 19, dated June	
		Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of	
		Trial Transcript, Deposition Testimony of Fred Perlak, pages 1125-1137, dated June 19, 1998 as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy</i> Trial Transcript, Deposition Testimony of Fred Perlak, pages 1125-1137, dated June 19, 1998  Corp., 96-133-RRM, United States Court District of Delaware.	
	C90	1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-	1
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		Trial Transcript, Dr. Julia Bailey-Serres, Direct examination by Mr. Drivas (Novartis), pages 1161-1219, 1223-1238, 1250-1260, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States	
		Trial Transcript, Dr. Julia Bailey-Serres, Cross examination by Mr. Mr. Lynch (Monsanto), pages 1260-1286, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science</i> , Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.	
	C94	Trial Transcript, Dr. Julia Bailey-Serres, Redirect examination by Mr. Drivas (Novartis), pages 1289-1292, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc.</i> , 2009 Delaware.	
	10	Frial Transcript, Deposition Testimony of Fred Perlak, pages 1337-1342, dated June 19, 1998, is filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy</i>	
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C	97   Ti  14   Ag   Di	rial Transcript, Guy Cardineau, Cross examination by Mr. Lynch (Monsanto), pages 1405- 413, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc.,</i> grigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of	
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C9	9 Tri	al Transcript, Michel Adang, Direct examination by Mr. Mahaney (Mycogen/Agrigenetics), ges 1418-1453, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science</i> , <i>Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of	-

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Substitute for form 1449/	РТО		Complete if Known			
INFORMATI	ON DIC	31.00	Application Number	07/827,906-Conf. #3375		
INFORMATI	CN DISC	LOSURE	Filing Date	January 30, 1992		
STATEMEN	I BY AP	PLICANT	First Named Inventor	Kenneth A. Barton		
(Use as man	y sheets as nec	(essarv)	Art Unit	1638		
			Examiner Name	A. R. Kubelik		
9	Of	23	Attorney Docket Number			
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		Attorney Docket Number 28079/41333
	C	100 Trial Transcript, Michel Adons, Const.
·		Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of
		O1 Trial Transcript, Michel Adang, Redirect examination by Mr. Mahaney (Mycogen/Agrigenetics), pages 1487-1492, dated June 24, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware
Principal Control of C		72 Trial Transcript, Gerald Bjorge, Direct examination by Mr. Olson (Mycogen/Agrigenetics), pages 1497-1514, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science</i> , Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.
······································		Trial Transcript, Gerald Bjorge, Cross examination by Ms. Knoll (Monsanto), pages 1514- 1531, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc.,</i> Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of
		4 Trial Transcript, Gerald Bjorge, Redirect examination and transition statement by Mr. Olson (Mycogen/Agrigenetics), pages 1532-1536, dated June 24, 1998, as filed in Monsanto Co. v. States Court District of Delevators
	1	Trial Transcript, Deposition Testimony of Lawrence Lavin, pages 1537-1538, dated June 24, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba
		pages 1539-1604, dated June 24, 1998, as filed in Monsanto Co. v. Mycogen/Agrigenetics), Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of
		Trial Transcript, Joseph Falkinham, Cross examination by Mr. Lynch (Monsanto), pages 1655, 1666-1696, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of
		Trial Transcript, Joseph Falkinham, Redirect examination and transition statement by Mr. Olson (Mycogen/Agrigenetics), pages 1696-1707, dated June 25, 1998, as filed in Monsanto United States Court District of Delay.
	C109	Trial Transcript, Deposition Testimony of Dr. Nam-Hai Chua and transition statements, pages 1707-1708, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc.</i> , Delaware.
	C110	Trial Transcript, Fred Perlak, Rebuttal Direct examination by Mr. Lynch (Monsanto), pages 1712-1773, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc.</i> , 2013 Delaware.
	C111   7	rial Transcript, Fred Perlak, Cross examination by Mr. Drivas (Novartis), pages 1773-1821, lated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics</i> , and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.

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Substitute for form 1449/PTO			Complete if Known		
NEODMAT	ION DIG	21 00	Application Number	07/827,906-Conf. #3375	
NFORMAT	ICM DISC	LOSURE	Filing Date	January 30, 1992	
STATEMEN	II BY AP	PLICANT	First Named Inventor	Kenneth A. Barton	
(Use as man	y sheets as nec	essarv)	Art Unit	1638	
			Examiner Name	A. R. Kubelik	
10	Of	23	Attorney Docket Number	28079/41333	

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1	C123	<i>Inc.,</i> Trial	, and	d C	<i>iba-</i> crin	-G∈ t T	igy om	Co	p., 9	96-1	133-	RRM,	Unit	ed S	States	Cou	irt Di	stric	ince, Inc., Agrige t of Delaware.	netics,	
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Substitute for form 1449/PTO				Complete if Known		
INFOR	A A TI	ON DIC	21 00115-	Application Number	07/827,906-Conf. #3375	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Filing Date	January 30, 1992	
				First Named Inventor	Kenneth A. Barton	
(U	se as man	y sheets as nec	cessarvi	Art Unit	1638	
		Examiner Name	A. R. Kubelik			
	11	Of	23	Attorney Docket Number	28079/41333	

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	С	125 Trial Transcript Toni Armstrona Constant
		Trial Transcript, Toni Armstrong, Cross examination by Mr. Oelke (Novartis), pages 1902- 1903, dated June 25, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp. 96-133
		Agngenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of
	C1	26 Trial Transcript Topi Ametron C
		Trial Transcript, Toni Armstrong, Cross examination by Mr. Dickerson (Mycogen/Agrigenetics), page 1903, dated June 25, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of
	C1	27 Trial Transcript, Jeanne Layton, Direct examination by Mr. Lee (Monsanto), pages 1904, 1012
		28 Trial Transcript Jeanne Leites Court District of Delaware.
	1	and Ciba-Geigy Corp. 96.122 DDM 11. 1. 2. 3 The Girlie, Inc., Addigenetics Inc.
	C12	29 Trial Transcript, David Fishhoff, Direct examination by Ms. Knoll (Monsanto), pages 1924-
		Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of
	C13	0 Trial Transcript David Fishbott C
	1	<ul> <li>Trial Transcript, David Fishhoff, Cross examination by Mr. Drivas (Novartis), pages 1963-2018, lnc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.</li> <li>Trial Transcript, David Fishhoff, Cross examination by Mr. Drivas (Novartis), pages 1963-2018, lnc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.</li> </ul>
		Trial Transcript, David Fishhoff, Cross examination by Mr. Olson (Mycogen/Agrigenetics), pages 2018-2044, dated June 26, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of
		Trial Transcript, David Fishhoff, Redirect examination by Ms. Knoll (Monsanto), pages 2045–2046, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of
		Trial Transcript, Transition statements examination by Mr. Lynch (Monsanto) and Mr. Drivas (Novartis), pages 2047-2051, dated June 26, 1998, as filed in Monsanto Co. v. Mycogen Plant District of Delaware
		Trial Transcript, Deposition transcript of Walter Wright, pages 2051-2056, dated June 26, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba
	C135	Trial Transcript Dr. Nam Hoi China Bi
		Delaware.  Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of
-	C136	Trial Transcript, Dr. Nam-Hai Chua, Cross examination by Mr. Olson (Mycogen/Agrigenetics)
	/	Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of

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INFORMATI	ION DICA	21.001	Application Number	07/827,906-Conf. #3375 January 30, 1992	
STATEMEN	ICIA DI20	LOSURE	Filing Date		
STATEMEN	II BY AP	PLICANT	First Named Inventor	Kenneth A. Barton	
(Use as man	y sheets as nec	(vacezes	Art Unit	1638	
		Examiner Name	A. R. Kubelik		
1 12	Of	23	Attorney Docket Number		

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	Trial Transcript, Opening Statement by Mr. Drivas (Novartis) on inequitable conduct, pages 2209-2227, dated June 26, 1998, as filed in Monsanto Co. v. Marcania Co. v. Marcani
	Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of
C	Trial Transcript, Opening Statement by Mr. Tomasch (Mycogen/Agrigenetics) on inequitable conduct, pages 2228-2253, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court
С	139 Trial Transcript Closing Agreement L. M.
	Ciba-Geigy Com 96-133 DDM 11-1- 10: Start Golding, IIIC., Agridenetics Inc. and
1	1998, as filed in Monsanto Co. v. My wir. Drivas (Novartis), pages 2320-2369, dated June 29, Geigy Com. 96-133-RPM United States of Company Com., Agrigentics, Inc., and Ciba
C1	41 Trial Transcript, Closing Argument by Mr. Olson (Mycogen/Agrigenetics), pages 2371-2414, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science</i>
i	Inc., and Ciha-Geigy Com. 06 422 Days 11 Told Science, Inc. Agricanetics
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	Trial Transcript, Rebuttal Argument by Mr. Drivas (Novartis), pages 2421-2422, dated June 29, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba.
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	Trial Transcript, Opening Statement by Mr. Lynch (Monsanto) on inequitable conduct, pages Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.
	Trial Transcript, Lawrence Bogorad, Direct examination by Mr. Tomasch (Mycogen/Agrigenetics), pages 2447-2493, dated June 29, 1998, as filed in Monsanto Co. v. States Court District of Delaware.
	Trial Transcript, Lawrence Bogorad, Cross examination by Mr. Lynch (Monsanto), pages 2493-2505, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of
	Trial Transcript, Lawrence Bogorad, Redirect examination by Mr. Tomasch (Mycogen/Agrigenetics), pages 2505-2509, dated June 29, 1998, as filed in Monsanto Co. v. States Court District of Delaware.
C149	Trial Transcript, David Fishhoff, Examination by Mr. Tomasch (Mycogen/Agrigenetics), pages 2509-2547, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of

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INFORMATI	ON DIC	21.001.5-	Application Number	07/827,906-Conf. #3375	
TATEMEN	CM DISC	LOSURE	Filing Date	January 30, 1992	
STATEMENT BY APPLICANT			First Named Inventor	Kenneth A. Barton	
(Use as man	y sheets as nec	(essary)	Art Unit	1638	
			Examiner Name	A. R. Kubelik	
13	Of	23	Attorney Docket Number	28079/41333	

	Attorney Docket Number 28079/41333
	C150 Trial Transcript, David Fishhoff, Continued examination by Mr. Tomasch (Mycogen/Agrigenetics), pages 2582-2614, dated July 8, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United
- 1	Trial Transcript, David Fishhoff, Examination by Mr. Drivas (Novartis), pages 2614-2645, dated July 8, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Com., 96-133 RRM, University States
	Trial Transcript, David Fishhoff, Examination by Ms. Knoll (Monsanto), pages 2646-2658, dated July 8, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agricentics
	conduct, pages 2658-2686, dated July 8, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant District of Delaware</i> District of Delaware
	154 Trial Transcript, Closing argument by Mr. Drivas (Novartis) on inequitable conduct, pages 2691-2699, dated July 8, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware
1	55 Trial Transcript, Closing argument by Mr. Lynch (Monsanto), pages 2699-2708, dated July 8, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba.
	56 Expert report of Michael Adang, submitted 3/25/98 in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court
ı	Expert report of Arthur Aronson, submitted 3/25/98 in Monsanto Co. v. Mycogen Plant District of Delaware.
}	Expert report of Julia Bailey-Serres , submitted 3/25/98 in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court
- I	9 Expert report of Gerald Bjorge, submitted 3/25/98 in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of
1	D Expert report of Gerald Bjorge, submitted 4/15/98 in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of
1	Expert report of Lawrence Bogorad, submitted 3/25/98 in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court
	Expert report of John Dewhirst, submitted 3/25/98 in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.
C163	Expert report of Joseph Falkinham, submitted 4/15/98 in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court

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STATEMENT BY APPLICANT			First Named Inventor	Kenneth A. Barton
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1	<del></del>		Examiner Name	A. R. Kubelik
14	Of	23	Attorney Docket Number	28079/41333

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T	C164 Expert report of Joseph Falkish
	Expert report of Joseph Falkinham, submitted 3/25/98 in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court
	Expert report of Joseph Falkinham, submitted 4/30/98 in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court
C	166 Expert report of John Goolkasion, sub-situ to annual
	District of Delaware.  167 Expert report of John Coefficient and in the States Court
	167 Expert report of John Goolkasian, submitted 4/15/98 in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court
C	Expert report of Julia Bailey-Serres, submitted 4/15/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court
C1	69 Expert report of Nam-Hai Chua, authorite 1444-144
	70 Expert report of Nam-Hai China and a states Court District of
	70 Expert report of Nam-Hai Chua, submitted 3/25/98 in Monsanto Co. v. Mycogen Plant District of Delaware.
C1	Monsanto's Responses to Mycogen's First Set of Interrogatories, dated July 10, 1995, as filed District of California (San Disea)
- 1	Monsanto's Responses to Plaintiffs' Fourth Set of Interrogatories, dated January 21, 1997, as District of California (San Diseas)
i	Mycogen Plant Science, Inc. and Agrigenetics, Inc.'s Responses to Monsanto's First Set of Company, 95-CV-653, U.S. District Co., 1997, as filed in Mycogen Plant, et al. v. Monsanto
	Mycogen's Notice of Motion and Motion for Summary Judgment of Validity and Memorandum Declaration of Laurenson in Support), dated December 28, 1995, as filed in Mycogen Plant, et Diego).
C175	Mycogen's Statement of Undisputed Facts in Support of Its Motion for Summary Judgment of Validity, dated December 28, 1995, as filed in Mycogen Plant, et al. v. Monsanto Company
C176	Monsanto's Memorandum in Opposition to Mycogen's Motion for Summary Judgment of Validity and Exhibits in Support, filed July 24, 1996, as filed in Mycogen Plant, et al. v. Diego).
C177	Mycogen's Reply in Support of Its Motion for Summary Judgment of Validity, dated August 5, 1996, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego).

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INFO	RMATIO	N DIS	CLOSURE	Application Number	07/827,906-Conf. #3375
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T		T T		Examiner Name	A. R. Kubelik
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С	178 Order Den	vina Mot	ion for Summer		
	Claim Cons	struction, 95-CV-6	filed August 15, 199	6, as filed in Mycoger	nying Motion for Summary Notion for Summary Judgment on Plant, et al. v. Monsanto California (San Diego).
	§ 102(g) an Plant, et al. California (s	d § 103 v. Mons San Dieg	Pursuant to Fed. R. ( anto Company, 95-C	Div. P. 56, dated Marc V-653, U.S. District C	ent of Invalidity Under 35 U.S.C. ch 30, 1998, as filed in <i>Mycogen</i> court, Southern District of
	Company 9	id Appen 5-CV-65	dix, dated April 13, 1	998, as filed in Mycog	n for Summary Judgment of ration of F.T. Alexandra gen Plant, et al. v. Monsanto
I	Reply Brief of U.S.C. § 102	of Monsa 2(g) and 5-CV-65	nto in Support of Its § 103, dated April 20	Motion for Summary , , 1998, as filed in <i>My</i> o	California (San Diego).  Judgment of Invalidity Under 35  Cogen Plant, et al. v. Monsanto
	U.S. Patent I as filed in My Southern Dis	Motion ai No. 5,380 <i>cogen P</i> trict of C	nd Notice of Motion fo 0,831 (includes Decla lant, et al. v. Monsan	or Summary Judgmer tration of Melinda Pat to Company, 95-CV-6	t of Invalidity of Claims 1-12 of terson), dated March 30, 1998, 553, U.S. District Court
	12 of U.S. Pa Appendix), da CV-653, U.S.	ppositior itent No. ited April District (	to Monsanto's Motion 5,380,831 (includes 13, 1998, as filed in Court, Southern Discourt.	on for Summary Judgi Declaration of F.T. Ald Mycogen Plant, et al.	ment of Invalidity of Claims 1- exandra Mahaney and v. Monsanto Company, 95-
C184	Claims 1-12 o al. v. Monsant Diego).	f U.S. Pa to Compa	atent No. 5,380,831, 6 any, 95-CV-653, U.S.	o's Motion for Summa dated April 20, 1998, District Court, Southe	ary Judgment of Invalidity of as filed in <i>Mycogen Plant</i> , et em District of California (Son
	35 U.S.C. § 11 Monsanto Con Diego).	2 as Moi npany, 95	ot, filed November 10 5-CV-653, U.S. Distri	l, 1999, as filed in My ct Court, Southern Dis	strict of California (San
				20 00 0.3.6. 8 111717	Cir. 2001) – Inter alia,
	Supplemental I Summary Judg 19, 2001, as file Court, Southerr	Memoran ment of I ed in <i>Myd</i> n District	dum of Points and Ai nvalidity of Claims 1- ogen Plant, et al. v. / of California (San Di	uthorities in Support of 12 of U.S. Patent No. Monsanto Company, S	f Monsanto's Motion for 5,380,831, filed November 95-CV-653, U.S. District
C188	Mycogen's Opp of Claims 1-12 ( Plant, et al. v. M California (San I	osition to of U.S. Pa fonsanto Diego)	Monsanto's Motion atent No. 5,380,831, Company, 95-CV-65	on Remand for Summ dated December 3, 20 3, U.S. District Court,	pary Judgment of Invalidity 201, as filed in <i>Mycogen</i> Southern District of
C189 F	Reply Memoran Judgment of Invast as filed in Mycoo	dum of P alidity of <i>en Plant</i>	oints and Authorities		to's Motion for Summan

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	C1	90 Order Der	vina Mon	santo's Motion 6 - 6		
		Mycogen	Plant, et a	ll. v. Monsanto Com	bummary Judgment,	dated June 4, 2002, as filed in S. District Court, Southern Distric
	"	Plant, et al	феп кер . v. Mons	ort of John T. Goolk	asian, dated Novemb	per 13, 2003, as filed in Mycogen
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- 1		et al. v. Moi	nsanto Co	ompany, 95-CV-653	, U.S. District Court	2003, as filed in <i>Mycogen Plant</i> , Southern District of California
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		Mycogen Pl	ant, et al.	v. Monsanto Como	nam III, dated Decem	ber 18, 2003, as filed in
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use as many sheets as necessary)  17 Or 23 Anoney Occlet Number A. R. Kubelik  18 Anoney Occlet Number A. R. Kubelik  18 Anoney Occlet Number A. R. Kubelik  19 Anoney Occlet Number A. R. Kubelik  10 Cotto Memorandum of Dekalid Asted April 27, 1988, as filed in Mycogen Plant, et al. v. Monsanto Occupany, et al., 1986-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  19 Gev-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  19 Gev-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  200 Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law Under Fed. R. Civ. P. 50, dated May 11, 1989, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 1986-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  200 Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law Under Fed. R. Civ. P. 50, dated May 11, 1989, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 1986-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  200 Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law at the Close of Evidence, dated February 2, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 1986-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  201 Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law at the Verdict, dated February 20, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 1986-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  201 Memorandum in Support of Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law, dated May 12, 1981, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 1986-cv-00505-RRM, U.S. District Court, District of De		00000000	9 101 10fm 1449/PT(	•			Complete if Known	
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17 Or 23 Attorney Dacket Number 28079/41333  C205 Monsanto's and Delta and Pine Land's Opposition to Mycogen's Motion for Judgment as a 448.2, 448.3 and 448.3, dated April 27, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 196-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C206 Memorandum of DeKalb Genetics in Opposition to Plaintiff's Motion for Judgment as a Matter of Law dated April 27, 1998, as filed in Mycogen Plant, et al. v. Monsanto Ord Law, dated April 27, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 196-cv-00505-RRM, U.S. District Court, District et al. v. Monsanto Company, et al., 196-cv-00505-RRM, U.S. District of Delaware (Wilmington).  C207 Mycogen's Reply Brief in Support of 1st Motion for Judgment as a Matter of Law Under Fed. R. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C208 Monsanto's and Delta and Pines and's Renewed Motion for Judgment as a Matter of Law at the Close of Evidence, dated February 2, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 196-cv-00505-RRM, U.S. District of Delaware (Wilmington).  C209 Monsanto's and Delta and Pines Land's Renewed Motion for Judgment as a Matter of Law at Company, et al., 196-cv-00505-RRM, U.S. District of Delaware (Wilmington).  C210 Memorandum in Support of Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law dated March 20, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C210 Memorandum in Support of Monsanto's and Delta and Pine Land's Motion for Judgment as a Matter of Law, dated March 20, 1998, as filed in Mycogen Plant, et al. v. (Wilmington).  C211 Defendants' Reply to Plaintiffs' Opposition to Monsanto's and Delta and Pine Land's Motion for Partial Summary Judgment, dated May 12, 1998, as filed in Mycogen Plant, et al. v. (Wilmington).  C212 Letter from Balick, Ashby & Geddes to Judge McKelvire r	-		(Use as many s	heets as nece	essarvi	Art Unit		
C205 Monsanto's and Delta and Pine Land's Opposition to Mycogen's Motion for Judgment as a 448.2, 448.3 and 488.4), dated April 27, 1998. as filled in Mycogen Plant, et al. v. Monsanto Company, et al., 198-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C206 Memorandum of DeKaib Genetics in Opposition to Plaintiffs Motion for Judgment as a Matter of Law Andread April 27, 1998. as filed in Mycogen Plant, et al. v. Monsanto Ormpany, et al., 196-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C207 Mycogen's Reply Brief in Support of its Motion for Judgment as a Matter of Law Under Fed. R. Civ. P. 50, dated May 11, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 196-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C208 Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law at Company, et al., 196-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  the Close of Evidence, dated February 2, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 196-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C209 Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law after et al., 196-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C210 Memorandum in Support of Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law after et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C211 Memorandum in Support of Monsanto's and Delta and Pine Land's Renewed Motions for Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District of Delaware (Wilmington).  C212 Letter from Balick, Ashby & Geddes to Judge McKelvie re Issues Raised in Defablis Motion for Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C212 Letter from Balick, Ashby & Geddes to Judge McKelvie re Issues Raised in Defablis Motion for Summary Judgmen		T	·	T		Examiner Name	A. R. Kubelik	
C205 Monsanto's and Delta and Pine Land's Opposition to Mycogen's Motiton for Judgment as a Matter of Law Under Fed. R. Civ. P. 50 (includes Appendix in Support; see Appendix OP Company, et al., 1:96-cv-0050-RRM, U.S. District Court, District of Delaware (Wilmington).  C206 Memorandum of DeKabi Genetics in Opposition to Plaintiff's Motion for Judgment as a Matter of Law, dated April 27, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C207 Mycogen's Reply Brief in Support of Its Motion for Judgment as a Matter of Law Under Fed. R. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C208 Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law at Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C208 Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law at Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C209 Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law at Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C210 Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law after et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C211 Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law dated March 20, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C210 Memorandum in Support of Monsanto's and Delta and Pine Land's Motion for Judgment as a Matter of Law, dated May 12, 1998, as filed in Mycogen Plant, et al. v. (Wilmington).  C211 Defendants' Reply to Plaintiffs' Opposition to Monsanto's and Delta and Pine Land's Motion for Judgment as a Matter of Law, dated May 12, 1998, as filed in Mycogen Plant	<u></u>		17	Of	23	Attorney Docket Number		
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the Close of Evidence, dated February 2, 1998, as filed in Mycogen Plant, et al. v. Monsanto  Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  the Verdict, dated February 20, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C210 Memorandum in Support of Monsanto's and Delta and Pine Land's Renewed Motions for Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C211 Defendants' Reply to Plaintiffs' Opposition to Monsanto's and Delta and Pine Land's Motion for Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C211 Defendants' Reply to Plaintiffs' Opposition to Monsanto's and Delta and Pine Land's Motion for Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C212 Letter from Balick, Ashby & Geddes to Judge McKelvie re Issues Raised in DeKalb's Motion Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C213 Letter from Ingersoll to Judge McKelvie re Mycogen's Replying on Banner Deposition for Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C214 Monsanto's and Delta and Pine Land's Brief in Support of Their Motion for Summary Judgment Argument, dated January 6, 1998, as filed in Mycogen Plant, et al. v. (Wilmington).  C214 Monsanto's and Delta and Pine Land's Brief in Support of Their Motion for Summary Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District Court, District of Delaware (Wilmington).  C215 Plaintiffs' Brief in Opposition to Defendants' Motion for Summary Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Opelaware (Wilmington).  C216 Amended Version of Plaintiffs' Brief in Opposition to Defendants' Motion for Summary Mycogen Plant, et al. v. Mo			Civ. P. 50, o	Reply Brief dated May 1	in Support of Its N 1, 1998, as filed i	Motion for Judgment as in Mycogen Plant, et al.	a Matter of Law Under Fed	I. R.
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Date Considered Approved for use through 11/30/2008 OMB 0651-0031

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use as many sheets as necessary)  18  Of 23  Antoney Docket Number  At Und 1638  Examer Name A. R. Kubelik  At Und 1638  C218  Monsanto's and Detta and Pine Land's Brief in Support of Its Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,600 and 5,567,862 Under 35 U.S.C. § 112, dated October 27 District Court, District of Delaware (Wilmington).  C219  Plaintiff's Answering Brief to Monsanto's Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,600 and 5,567,862 Under 35 U.S.C. § 112, dated October 27 District Court, District of Delaware (Wilmington).  C219  Plaintiff's Answering Brief to Monsanto's Motion for Summary Judgment of Invalidity of Patent Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C220  Declaration of Dr. Guy Cardineau in Support of Plaintiffs' Answering Brief to Monsanto's as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00555-RRM, U.S. District Court, District of Delaware (Wilmington).  C221  Important of Dr. Guy Cardineau in Support of Plaintiffs' Answering Brief to Monsanto's as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00555-RRM, U.S. District Court, District of Delaware (Wilmington).  C221  Important of Dr. Guy Cardineau in Support of Plaintiffs' Answering Brief to Monsanto's as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00555-RRM, U.S. District Court, District of Delaware (Wilmington).  C221  Declaration of Dr. Guy Cardineau in Support of Plaintiffs' Answer to Monsanto's Brief in Support of heir Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 112, dated October 13, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00555-RRM, U.S. District Of Delaware (Wilmington).  C222  Plaintiffs' Answering Brief to DeKalts's Motion for Partial Summary Judgment of Invalidity, october Support of Kenth Wilmington).  C223  Plaintiffs' Answering Brief to	INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use as many sheets as necessary)  18  Of 23  Art Unit 1638  Examer Name A. R. Kubelik  Art Unit 1638  Examer Name A. R. R. Kubelik  Art Unit 1638  Examer Name A. R. R. Kubelik  Art Unit 1638  Examer Name A. R. R. Kubelik  Art Unit 1638  Examer Name A. R. R. Kubelik  Art Unit 1638  Examer Name A. R. R. Kubelik  Art Unit 1638  Examer Name A. R. R. Kubelik  Art Unit 1648  Examer Name A. R. R. Kubelik  Art Unit 1648  Examer Name A. R. R. Kubeli	- 1	Substitut	e for form 1449/PTO					Complete if Known	-
STATEMENT BY APPLICANT  (Use as many sheets as necessary)  18  Of  23  At Unit  1638  Examiner Name  A. R. Kubelik  At Unit  1638  Examiner Name  A. R. Kubelik  At Unit  1638  Examiner Name  A. R. Kubelik  At Unit  18  Of  28  C218  Monsanto's and Delta and Pine Land's Brief in Support of its Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,600 and 5,567,862 Under 35 U.S.C. § 112, dated October 27. Distinct Court, District of Delaware (Wilmington).  C219  Plaintiffs' Answering Brief to Monsanto's Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,600 and 5,567,862 Under 35 U.S.C. § 112, dated November 24, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Or Delaware (Wilmington).  C220  Declaration of Dr. Guy Cardineau in Support of Plaintiffs' Answering Brief to Monsanto's Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District Orun, District of Delaware (Wilmington).  C221  Monsanto's and Delta and Pine Land's Reply to Mycogen's Answer to Monsanto's Brief in Support of Their Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 112, dated November 24, 1997, District Court, District Orun, District of Delaware (Wilmington).  C221  Monsanto's and Delta and Pine Land's Reply to Mycogen's Answer to Monsanto's Brief in Support of Their Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 112, dated Oceanber 8, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C222  Opening Memorandum in Support of the Motion of DeKalb for Partial Summary Judgment of Invalidity (Includes Appendix), dated October 13, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C223  Plaintiffs' Answering Brief to DeKalb's Motion for Partial Summary Judgment of Invalidity (Includes Appendix), dated October 13, 1997, as filed in Mycogen Plant, et al. v. Mo	STATEMENT BY APPLICANT  (Use 3s many sheets as necessary)  It is 18  Of 23  Attended Inventor Memory 28079/41333  C218 Monsanto's and Delta and Pine Land's Brief in Support of Its Motion for Summary Judgment of 1997, as filled in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C219 Plaintiff's Answering Brief to Monsanto's Motion for Summary Judgment of Irs Motion for Partial Summary Judgment of Irs Motion for Par	- 1	INE	DAMATIO		1001	Application	n Number		
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AR Unit   1638   Examiner Name   A. R. Kubbelik   18	At Unit 1638  18 Of 23 Anomey Occle Number 28079/41333  C218 Monsanto's and Delta and Pine Land's Brief in Support of its Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,600 and 5,567,862 Under 35 U.S.C. § 112, dated October 27. District Court, District of Delaware (Willmington).  C219 Plaintiffs' Answering Brief to Monsanto's Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,600 and 5,567,862 Under 35 U.S.C. § 112, dated October 27. District Court, District of Delaware (Willmington).  C219 Plaintiffs' Answering Brief to Monsanto's Motion for Summary Judgment of Invalidity of Patent Mycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District of Delaware (Willmington).  C220 Declaration of Dr. Guy Cardineau in Support of Plaintiffs' Answering Brief to Monsanto's An Silver of Patent of Wycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C221 Monsanto's and Delta and Pine and 's Reply to Mycogen's Answer to Monsanto's Brief in December 8, 1997, as fled in Mycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C221 Monsanto's and Delta and Pine and 's Reply to Mycogen's Answer to Monsanto's Brief in December 8, 1997, as fled in Mycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C222 Opening Memorandum in Support of the Motion of DeKalb for Partial Summary Judgment of Invalidity (Includes Appendix), dated October 13, 1997, as fled in Mycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District Court, District of Delaware (Willmington).  C223 Plantiffs' Answering Brief to DeKalb's Motion for Partial Summary Judgment of Invalidity, dated November 18, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C224 Declarat	- 1	SIA	IEMENT	BY	APPLICANT	First Name	d Inventor		
18 Of 23 Anomey Docket Number 28079/41333  C218 Monsanto's and Detta and Pine Land's Brief in Support of its Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,600 and 5,567,862 Under 35 U.S.C. § 112, dated October 27. District Court, District of Delaware (Willmington).  C219 Plaintiffs' Answering Brief to Monsanto Company, et al., 196-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C220 Declaration of Dr. Guy Cardineau in Support of Plaintiffs' Answering Brief to Monsanto Company, et al., 196-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C220 Declaration of Dr. Guy Cardineau in Support of Plaintiffs' Answering Brief to Monsanto's Another of Summary Judgment of Invalidity Under 35 U.S.C. § 112, dated November 24, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District Court, District of Delaware (Willmington).  C221 Monsanto's and Delta and Pine Land's Reply to Mycogen's Answer to Monsanto's Brief in December 8, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C222 Opening Memorandum in Support of the Motion of Dektaib for Partial Summary Judgment of Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C223 Deplain Memorandum in Support of the Motion of Dektaib for Partial Summary Judgment of Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C224 Deplain Memorandum in Support of Answering Brief to Dektaib for Partial Summary Judgment of Invalidity, cut-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C224 Declaration of Keith Walker in Support of Answering Brief to Dektaib for Mycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District Ourt, District of Delaware (Willmington).  C225 Dektaib s Reply Brief in Support of Its Motion for P	C218   Monsanto's and Delta and Pine Land's Brief in Support of its Motion for Summary Judgment of 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District Of Delaware (Wilmington).	- 1					<u> </u>			
C218   Monsanto's and Delta and Pine Land's Brief in Support of Its Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,600 and 5,567,862 Under 35 U.S.C. § 112, dated October 27, 1997, as filed in Mycogen Piant, et al. v. Monsanto Company, et al. 1,196-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C219   Palanitif's Answering Brief to Monsanto's Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,600 and 5,567,862 Under 35 U.S.C. § 112, dated November 24, 1997, as filed in Mycogen Piant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C220   Declaration of Dr. Guy Cardineau in Support of Plainitifs' Answering Brief to Monsanto's as filed in Mycogen Piant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C221   Monsanto's and Delta and Pine Land's Reply to Mycogen's Answer to Monsanto's Brief in December 8, 1997, as filed in Mycogen Piant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Ourt, District of Delaware (Willmington).  C222   Opening Memorandum in Support of the Motion of DeKalb for Partial Summary Judgment of Invalidity (Includes Appendix), dated October 13, 1997, as filed in Mycogen Piant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District Ourt, District Ourt, District of Delaware (Willmington).  C223   Plainitif's Answering Brief to DeKalb's Motion for Partial Summary Judgment of Invalidity (Includes Appendix), dated October 13, 1997, as filed in Mycogen Piant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C224   Declaration of Keith Walker in Support of Answering Brief to DeKalb's Motion for Partial Summary Judgment of Invalidity, dated November 18, 1997, as filed in Mycogen Piant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).  C224   Declarati	C218   Monsanto's and Delta and Pine Land's Brief in Support of its Motion for Summary Judgment of Invalidity of Patent Nos. 5.567.600 and 5.567.862 Under 35 U.S.C. § 112, dated October 27. 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. Distinct Court, District of Delaware (Willmington).    C219   Plaintiffs' Answering Brief to Monsanto's Motion for Summary Judgment of Invalidity of Patent Nos. 5.567.600 and 5.567.862 Under 35 U.S.C. § 112, dated November 24, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).    C220   Declaration of Dr. Cay Cardineau in Support of Plaintiffs' Answering Brief to Monsanto's as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00556-RRM, U.S. District Court, District of Delaware (Willmington).    C221   Monsanto's and Delta and Pine Land's Reply to Mycogen's Answer to Monsanto's Brief in Support of Their Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 112, dated December 8, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).    C222   Opening Memorandum in Support of the Motion of DeKalb for Partial Summary Judgment of Invalidity (Includes Appendix), dated October 13, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).    C223   Plaintiffs' Answering Brief to DeKalb's Motion for Partial Summary Judgment of Invalidity, developed Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).    C224   Declaration of Keith Walker in Support of Answering Brief to DeKalb's Motion for Partial Summary Judgment of Invalidity, dated November 18, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Willmington).	<b> </b>		(coc as many sn	eets a	s necessary)	Examiner N	lame		
C218 Monsanto's and Delta and Pine Land's Brief in Support of Its Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,800 and 5,567,802 Under 35 U.S.C. § 112, dated October 27, District Court, District of Delaware (Wilmington).  C219 Plaintiffs' Answering Brief to Monsanto S Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,800 and 5,567,862 Under 35 U.S.C. § 112, dated November 24, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1;96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C220 Declaration of Dr. Guy Cardineau in Support of Plaintiffs' Answering Brief to Monsanto's as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1;96-cv-00505-RRM, U.S. District Court, District Court, District Court, District of Delaware (Wilmington).  C221 Monsanto's and Delta and Pine Land's Reply to Mycogen's Answer to Monsanto's Brief in December 8, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1;96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C222 Opening Memorandum in Support of the Motion of DeKalb for Partial Summary Judgment of Invalidity (includes Appendix), dated October 13, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C223 Plaintiffs' Answering Brief to DeKalb's Motion for Partial Summary Judgment of Invalidity (includes Appendix), dated October 13, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C223 Plaintiffs' Answering Brief to DeKalb's Motion for Partial Summary Judgment of Invalidity, dated November 18, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District Opelaware (Wilmington).  C224 Declaration of Keith Walker in Support of Answering Brief to DeKalb's Motion for Partial Summary Judgment of Invalidity, dated November 18, 1997, as filed	C218 Monsanto's and Delta and Pine Land's Brief in Support of its Motion for Summary Judgment or Invalidity of Patent Nos. 5,587,600 and 5,587,802 Under 35 U.S.C. § 112, dated October 27. District Court, District of Delaware (Wilmington).  C219 Plainitifs' Answering Brief to Monsanto's Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,600 and 5,567,882 Under 35 U.S.C. § 112, dated November 24, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1,96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C220 Declaration of Dr. Guy Cardineau in Support of Plainitifs' Answering Brief to Monsanto's as filed in fovaging Plant, et al. v. Monsanto Company, et al. 1,196-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).  C221 Monsanto's and Delta and Pine Land's Reply to Mycogen's Answer to Monsanto's Brief in Support of Their Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 112, dated November 24, 1997. as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1,196-cv-00505-RRM, U.S. District Out, District of Delaware (Wilmington).  C221 Monsanto's and Delta and Pine Land's Reply to Mycogen's Answer to Monsanto's Brief in Support of Their Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 112, dated December 8, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District Ord Partial Summary Judgment of Invalidity (includes Appendix), dated October 13, 1997, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 1:96-cv-00505-RRM, U.S. District Court, District Orden, U.S. District			18	Of	23				
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use as many sheets as necessary)			Application Number	07/827,906-Conf. #3375	
			Filing Date	January 30, 1992	
			First Named Inventor	Kenneth A. Barton	
			Art Unit	1638	
		Examiner Name	A. R. Kubelik		
19	Of	23	Attorney Docket Number	28079/41333	

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Examiner		
Signature	Date	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use as many sheets as necessary)			Application Number 07/827,906-Conf. #		
			Filing Date	January 30, 1992	
			First Named Inventor	Kenneth A. Barton	
			Art Unit	1638	
		Examiner Name	A. R. Kubelik		
20	Of	23		28079/41333	

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C25	77 Trial Transcript David Fischhoff Cons. 5
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C25	8 Trial Transcript David Eigebbeff David
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Examiner			
Signature		Date	
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Substitute for form 1449/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use as many sheets as necessary)			Application Number 07/827,906-Conf.		
			Filing Date	January 30, 1992	
			First Named Inventor	Kenneth A. Barton	
			Art Unit	1638	
21 Of 23		Examiner Name	A. R. Kubelik		
		Attorney Docket Number			

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To	Trial Transcript, Catherine Mackey, Cross-Examination by Mr. Olson, pages 1273-1292, dated
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C272	Trial Transcript Deposition Tarkington).
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Signature	Date	
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Substitute for form 1449/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use as many sheets as necessary)			Application Number	07/827,906-Conf. #3375	
			Filing Date	January 30, 1992	
			First Named Inventor	Kenneth A. Barton	
			Art Unit	1638	
22 Of 23		Examiner Name	A. R. Kubelik		
		Attorney Docket Number	28079/41333		

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	C277 Trial Transcript, Michael J. Adang Direct Function
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C	286 Trial Transcript Theoders Klais Di
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C	87 Trial Transcript Theodore Visit O
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Signature	Date	
	Considered	

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Substitute (a.c.)

Substitute for form 1449/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use as many sheets as necessary)			Application Number	07/827,906-Conf. #3375	
				January 30, 1992	
			First Named Inventor	Kenneth A. Barton	
			Art Unit	1638	
			Examiner Name	A. R. Kubelik	
	Of	23	Attorney Docket Number		

		28079/41333
	C	Trial Transcript, Deposition Testimony of Lorance Greenlee, pages 2192-2194, dated January U.S. District Court, District Court
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- 1		Trial Transcript, Deposition Testimony of Duff Dean (Counterdesignation), pages 2275-2276, 00505-RRM, U.S. District Court, District of Delaware (Wilmington)
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- 1	1.	1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S.
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	Ju	laintiffs' Answering Brief in Opposition to Monsanto's and Delta and Pine Land's Motion for longanto Company, et al, 1:96-cv-00505-RRM, U.S. District Court District District District District District District District District Dis
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1		I So-cv-00505-RRM II & Diotain C Francis of Cold. V.
	(V	Vilmington).

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<sup>&</sup>lt;sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

	place a check mark here if English language Translation is attached.			
Signature	Date			
	Considered			